

**Department of  
Veterans Affairs**

# Memorandum

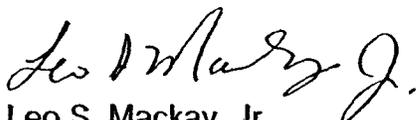
Date: May 24, 2002

From: **Deputy Secretary (001)**

Subj: **VA's ADR and Mediation Initiatives**

To: **Under Secretary for Health (10)  
Under Secretary for Benefits (20)  
Under Secretary for Memorial Affairs (40)  
General Counsel (02)  
Assistant Secretary for Human Resources and Administration (006)**

1. VA Directive 5978, Alternative Dispute Resolution (ADR) (February 2000), sets forth VA's policy encouraging employees "to use mediation to help resolve workplace conflicts as early as feasible, to the maximum extent practicable, in an appropriate manner, and at the lowest organizational level." The Directive assigns control and responsibility for effective ADR program development and implementation to the Administrations and staff offices.
2. Each of your organizations is directed to staff an ADR Coordinator position for your organizations. The critical job elements for this position will be in support of advancing early conflict resolution and mediation policies and implementation of appropriate mediation programs. This is to ensure that the option of mediation is available for all appropriate workplace conflicts throughout the country. The ADR Coordinator should be accountable for providing a focal point for channeling and sharing conflict resolution and mediation policy, information, and best practices within the organization. The Coordinator should also work cooperatively with other VA organizational elements to help avoid duplication and unnecessary expenditures of time, money, and effort in early conflict resolution, mediation, and other ADR arenas.
3. This is not intended to imply that an organization's ADR Coordinator should necessarily decide conflict resolution and mediation policy for that organization.
4. Depending on the needs of your particular organization, the ADR Coordinator position may be staffed as a full or part time position. A prototype position description detailing the duties and responsibilities of this position is attached. This may be adapted to meet your organization's needs.

  
Leo S. Mackay, Jr.

**Attachment**

**Date:** May 24, 2002

**From** Deputy Secretary (001)

**Subj:** VA's ADR and Mediation Initiatives

**To:** Under Secretaries, Assistant Secretaries and Other Key Officials

1. VA Directive 5978, Alternative Dispute Resolution (ADR) (February 2000), sets forth VA's policy encouraging employees "to use mediation to help resolve workplace conflicts as early as feasible, to the maximum extent practicable, in an appropriate manner, and at the lowest organizational level." The Directive assigns control and responsibility for effective ADR program development and implementation to the Administrations and staff offices. To accomplish this, a number of steps should be taken.
2. You, your senior executives and other top managers in Central Office are strongly urged to attend one of several Executive Mediation Training programs that will be conducted in Washington DC. The training will be sponsored by the Office of Resolution Management and provided by the Justice Center of Atlanta, one of the country's leading mediation skills trainers. It will introduce managers in your organization to the principles of conflict resolution and the use of mediation for resolving workplace disputes. Your attendance at this four-hour training will send a clear signal of your support for the ADR program and your commitment to its success.
3. Additionally, as the Department's top executives, I look to you to support VA's early conflict resolution and mediation initiatives by directing managers and supervisors in your organizations to consider using mediation to resolve all workplace problems that they are unable to resolve unassisted. If a request to participate in mediation is refused by management, that manager should provide a written explanation for declining the request and submit this explanation to the facility director or other senior official(s) to be designated by you.
4. Certain cases may not be appropriate for mediation. The following factors suggest mediation use is inappropriate or may not be productive: (a) an indication that fraud, waste or abuse was committed; (b) an allegation of patient abuse; (c) a removal for cause, e.g., removal based upon the commission of a felony; and (d) an allegation of sustained, continuing sexual harassment.

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5. The Dispute Resolution Specialist in the Board of Contract Appeals shall serve as the overall coordinator and monitor of VA's ADR effort. At the end of each fiscal year, a report will be provided to my office concerning the use of ADR within VA and providing sufficient data to demonstrate the effectiveness of VA's ADR program.

A handwritten signature in black ink, appearing to read "Leo S. Mackay, Jr.", written in a cursive style.

Leo S. Mackay, Jr.